IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 995 (SS) of 2004

Shailendra Raturi,
S/o late Sri G.N. Raturi,
R/o Village-Dogiyar, Patti Chandrabadni,
P.O. - Shiwalidhar, District – Tehri Garhwal,
At present at Srikot, Ganganali,
Srinagar,
District- Pauri Garhwal. **…….Petitioner.**

Versus

1. State of Uttarakhand through Secretary, Education, Civil Secretariat, Uttarakhand, Dehradun.
2. District Basic Education Officer, Tehri Garhwal.

……Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri Rajendra Dobhal, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for the respondents.

Learned counsel for the petitioner has submitted that petitioner was appointed as Assistant Teacher in Primary School on 28.02.1995. On 09.07.1997, petitioner was attached to the District Basic Education Officer, Tehri Garhwal and subsequently, was posted at Primary School, Sauru, Tehri Garhwal.

Learned counsel for the respondents has submitted that petitioner was transferred to Tehri Garhwal, by losing his seniority and accordingly, the seniority of the petitioner shall be considered with effect from 09.07.1997.

Vide order dated 17.08.2004, petitioner was granted promotion from the post of Assistant Teacher, Primary School to Assistant Teacher (Science) Senior Basic School.

The promotion was made on the assumption that petitioner is working in District- Tehri Garhwal since 1995. This assumption was taken into consideration by the respondents authority on the basis of form filled by petitioner wherein he has stated he was appointed in the year 1995.

In these circumstances, cancellation of promotion order is perfectly correct. I do not find any ground to interfere with the impugned order. Interim order dated 01.09.2004 passed by this court stands vacated.

Learned counsel for the petitioner has submitted that petitioner has not been paid salary since 01.09.2004.

Respondent no. 2 is directed to make payment of salary to the petitioner for the post of Assistant Teacher, Primary School, in case, the same has not already been paid, within a period of four weeks from the date of production of certified copy of this order.

With this direction, with petition as well as all the pending applications are finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 09, 2007
SKS